

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
September 10, 2013
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Mayor Sanger asked for any questions or comments relating to the August 27, 2013 minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the August 27, 2013 minutes. Alderman Maddox-Dallas seconded the motion.

Mayor Sanger noted that there was a minor correction that had been previously submitted to the City Clerk.

The motion to approve the minutes passed unanimously on a voice vote.

AWARDS PRESENTATION BY THE DEPARTMENT OF DEFENSE, EMPLOYER SUPPORT OF THE GUARD & RESERVE (ESGR)

City Manager Owens reported that the ESGR, a Department of Defense office, was established in 1972 to promote cooperation and understanding between Reserve Component Service members and their civilian employers and to assist in the resolution of conflicts arising from an employee's military commitment. Firefighter/Paramedic Josh Barnaby nominated the City of Clayton to receive ESGR recognition.

On August 24 the ESGR formally honored Mayor Sanger and staff during an awards ceremony and banquet.

Tonight the City is honored to have Brigadier General (Retired) E. Tracy Beckett, Missouri State Chairman of the ESGR Committee and is also the Executive Vice President, Chief Credit Officer of Heartland Bank here to formally present to the city the *Pro Patria Award*.

Brigadier General (Retired) E. Tracy Beckett addressed the Board stating that the State received approximately 75 applications and that three applications were chosen with the City of Clayton being a finalist. He noted that he not only is a business citizen of Clayton, but also a resident and that he graduated from Clayton High School and he is extremely honored to present the City with the award.

PROCLAMATION – SMITH MOORE & COMPANY

Mayor Sanger presented a proclamation on behalf of the Smith Moore & Company in recognition of their 100th Anniversary.

PUBLIC REQUESTS AND PETITIONS

None

MOTION - TO APPROVE A LIQUOR LICENSE FOR 801 CHOPHOUSE STL, LLC DBA 801 CHOPHOUSE AT 137 CARONDELET PLAZA (THE CRESCENT)

City Manager Owens reported that 801 Chophouse STL, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 137 Carondelet Plaza under the name 801 Chophouse at the Crescent.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to the Board's questions, Mr. Ian Rockwell, General Manager and Chris Dennis, Chef, stated that they are anticipating opening the restaurant by December or the end of the year.

Alderman Berger commented that friends in Leewood and Des Moines, Iowa speak highly of the restaurant.

Mr. Dennis commented that the City's staff has been friendly and very helpful during the entire process and he expressed his appreciation.

Alderman Harris moved to approve a liquor license for 801 Chophouse located at 137 Carondelet Plaza. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

ORDINANCE REPEALING ORDINANCE NO. 6176 – APPROVING THE PLANNED UNIT DEVELOPMENT FOR 8025 BONHOMME AVENUE (CLAYTON ON THE PARK)

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is an ordinance repealing Ordinance No. 6176, adopted January 10, 2012, regulating the use of the property at 8025 Bonhomme Avenue (Clayton on the Park).

In 1997, the Board of Aldermen approved the Clayton on the Park project via Ordinance No. 5402 as a conditional use with a planned unit development. The project was approved to contain 128 residential units, 98 extended stay upscale hotel suites and approximately 5,000 square feet of restaurant/retail space along with other ancillary uses. The building was constructed and operated as approved by the City until 2007.

In 2007, Ordinance No. 5402 was amended via Ordinance No. 5989 to allow a change in use from an apartment, hotel and restaurant mixed-use building to an age-restricted apartment building containing 208 units and a public restaurant. The use of the building as an age restricted facility was unsuccessful.

In 2012, Ordinance Nos. 5402 and 5989 were repealed and Ordinance No. 6176 was adopted which transferred the property's ownership and amended the use of the property from a senior living facility to apartment units.

COTP, LLC, property owner, is requesting the following changes to Ordinance No. 6176:

1. To allow an increase in the square footage of the public restaurant (located on the second floor) from a maximum of 5,000 square feet to a maximum of 8,000 square feet to reflect the interior and proposed exterior dining areas;
2. To allow an additional 3,000 square feet of general commercial space on the first floor; and
3. To reference the current operating agreement with the City of Clayton for residential extended stay.

Additionally, in conjunction with the new Edmonds Parkside Grill restaurant, some landscaping elements are being revised from the originally approved landscape plan. Because landscaping is a requirement of the Ordinance, the new landscape plan will need to be referenced.

Condition No. 3 of the Ordinance remains as written because it already indicates that the rental apartment units are subject to an operating agreement which is currently in effect.

The property comes with rights to 260 parking spaces located in the adjacent parking garage owned by the City of Clayton. This garage has a capacity of 570 parking spaces. Other users also have rights to this parking facility. To maximize the utilization of this garage among the various users, the spaces are unassigned and are not reserved for each user. St. Louis Parking Company manages the garage by contract with the City and tracks its usage.

The original Clayton on the Park development was approved by the City (via the planned unit development process at that time) with a reduction in the required number of parking spaces based on a shared parking study. The provision for allowing a reduction in the required number of parking spaces for mixed use buildings remains in the current zoning code. Recommendation is to approve the Ordinance.

Mr. Ron Reim, Lead Architect at Oculus, Jim Edmonds, owner, and Mr. Mark Winfield, business partner were in attendance to answer any questions or concerns from the Board.

Mayor Sanger closed the public hearing.

Alderman Harris introduced Bill No. 6410, an ordinance to approve an amendment to the Planned Unit Development at 8025 Bonhomme Avenue to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6410, an Ordinance Repealing Ordinance No. 6176 and Approving a Planned Unit Development for the Clayton On the Park Property at 8025 Bonhomme Avenue, Subject to the Requirements Set Forth in the Code of Ordinances of the City of Clayton, Missouri; and other actions related thereto for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6410, an ordinance to approve an amendment to the Planned Unit Development at 8025 Bonhomme Avenue to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6410 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6285 of the City of Clayton.

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT - 8025 BONHOMME (EDMONDS PARKSIDE GRILL)

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent resolution for a conditional use permit for the proposed operation of a restaurant to be known as Edmonds Parkside Grill within the Clayton on the Park building.

The subject property is located at the northeast corner of Brentwood Boulevard and Bonhomme Avenue and has a zoning designation of Planned Unit Development. The restaurant is located on the west side of the building facing Shaw Park.

In July, 2001, a Conditional Use Permit was issued for the operation of Smith & Slay’s Restaurant, the first restaurant to occupy this building. The Conditional Use Permit was subsequently transferred in November of 2004 for the operation of Finale and again in 2007 for the operation of The Bistro. In 2012, under new ownership, the use of the building changed from a senior living facility to rental apartment units.

The proposed restaurant will serve American cuisine including smoked meats, fish, sandwiches, soups, salads, and steaks. The applicant will also be requesting a liquor license.

The restaurant space measures 6,725 square feet. There will be 243 seats total (190 indoor and 53 outdoor). A new entrance and 1,054-square-foot raised outdoor dining area will be constructed along Brentwood Boulevard.

Proposed hours of operation are Monday through Saturday, 11:00 a.m. to 1:00 a.m. Deliveries to the restaurant will be made through the existing loading area located on the north side of the building off the alley. Delivery service from the restaurant is not proposed. Trash will be stored in existing receptacles located in the loading area.

Parking will be available in the public parking garage to the east. Valet services will be located on Brentwood Boulevard.

The Plan Commission considered this request at their August 19, 2013 meeting and voted to recommend approval of the Conditional Use Permit to the Board of Aldermen. Exterior alterations,

signage and outdoor dining were approved by the Architectural Review Board at their August 19, 2013 meeting. Recommendation is to conduct a public hearing and approve the resolution.

In response to Alderman Boulton's question, Mr. Ron Reim, architect, explained that a portion of the patio will be elevated and built up to the sidewalk, but will not encroach the right of way.

Mayor Sanger closed the public hearing.

Alderman Harris moves to approve Resolution. No. 13-19, a Conditional Use Permit for Edwin LLC d/b/a Edmonds Parkside Grill located at 8025 Bonhomme Avenue. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

In response to the Board's question, Mr. Winfield stated that they anticipate opening in December.

A PUBLIC HEARING & RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A SECOND UNIT - 12 BRENTMOOR PARK

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent resolution to consider granting a Conditional Use Permit to Geoffrey & Stephanie Gross, owners, to allow the second floor of the existing detached 2-car garage to function as a second unit.

The subject property is located in the R-1 Zoning District. The second unit is subject to the issuance of a conditional use permit as contained in Chapter 405, Article II, Section 405.330 of the Zoning Regulations.

The second floor of the garage, which is located at the northwest corner of the site, is approximately 25 feet from the rear property line. The second story features the elements that define a second unit including a kitchen, bathroom, sleeping and living space. Permanent use of second units is limited to individuals related to the owners, or employees of the owners of the principal residence who do work on the grounds of the property. The second unit may not be rented and the owner shall record a deed restriction to this effect as part of the permit process required for a second unit.

The size of the living area of the second unit in the structure is approximately 1,300 square feet, below the maximum of 2,000 square feet allowed in the R-1 Zoning District. The total size of the structure is approximately 3,140 square feet.

The property is approximately 1.5 acres in area. The structure is located towards the rear of the property behind the main house and is accessible via the existing main driveway. It is surrounded by mature deciduous trees and an alley to the north that provides a sufficient buffer from adjacent properties.

The Plan Commission considered the request for Conditional Use Permit at their August 5, 2013, meeting and voted unanimously to recommend approval subject to the stipulations contained in Article II, Section 405.330 (outlined above), and that proof of the required deed restriction be submitted to the City prior to issuance of the Conditional Use Permit.

Staff recommends approval of the resolution granting a Conditional Use Permit for a second unit pending the receipt of/compliance with the following within sixty (60) days of approval by the Board of Aldermen or the approval is null and void: (1) a copy of the deed restriction; and (2) all applicable

building, plumbing and mechanical permits are secured and inspections conducted and approved and final occupancy granted.

The Conditional Use Permit shall stipulate compliance with all of the provisions outlined in Section 405.330 of the City's Zoning Regulations.

Ms. Stephanie Gross, owner, approached the Board to answer any questions or concerns.

Mayor Sanger closed the public hearing and requested proof of publication.

Alderman Harris moved to approve Resolution No. 13-20, a Conditional Use Permit for 12 Brentmoor Park. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING SETTING THE TAX YEAR 2013 PROPERTY TAX LEVIES FOR FISCAL YEAR 2014 BUDGET – SECOND READING

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that the General Fund tax levy is projected to generate \$5.9 million which is a 1.6% increase in revenue over the prior year. The City also has a new levy to support the debt service for the police building. This levy was approved by voters in 2010 to replace the previous General Obligation debt levy which matured in 2013. This new levy will generate \$1.1 million which is similar revenue as compared to the previous year's levy for the General Obligation debt service.

He pointed out, on the chart previously distributed to the Board, that there is one section with a slight increase - the Special Business District Residential rate is a \$.008 increase and that all other rates reflect no change, or a reduction. Recommendation is to amend and/or approve the ordinance to set the property tax rate for calendar year 2013, fiscal year 2014.

Alderman Berger asked with regard to the property tax dollars generated what is the split between residential and commercial. He commented that in previous years the target had been 50/50, but the City has been out of that balance for a few years and asked if any progress has been made to get that balance back.

City Manager Owens explained the projection of total property tax revenue is 39% commercial and 52% residential and 9% personal property, noting that personal property is not broken (out) by person.

Mayor Sanger noted that "multi-family" was removed from commercial and added to residential several years ago which also affects that percentage.

In response to Alderman Berger's request, City Manager Owens pointed out that the history is included in the Board presentation that was included previously.

Alderman Berger stated that he does not recall the change over, but recalls that two previous city managers educated him around the business model of Clayton. With the change it is hard for him to know the percentage of what is called residential today and what would have been commercial. He said that a shared revenue concept is the basis of the whole model of Clayton. He apologized that he is not up to speed on the percentages.

City Manager Owens explained that the levies have remained constant and that the way assessments are processed are the biggest impact and influences on why the City's numbers have changed.

Mayor Sanger pointed out a slide in the presentation that shows the trend of the assessments and what year(s) the commercial took a large dip.

Mayor Sanger closed the public hearing.

Alderman Harris moves to amend the Property Tax Levies to reflect the changes in the Special Business District rates. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6407, an ordinance to approve the Property Tax Levies for Tax Year 2013 as amended to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6407, an Ordinance Levying and Establishing the Rate of Annual Taxes for General Municipal Purposes; Police Building Debt Service; and, Special Business District Purposes To Be Collected by The City Of Clayton, Missouri, for the Year 2013 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6286 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE PROPOSED FISCAL YEAR 2014 OPERATING AND CAPITAL IMPROVEMENTS BUDGET

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that on July 9th, the Board of Aldermen received the City Manager's proposed Fiscal Year 2014 Operating and Capital Improvements Budget. The first reading was held on August 27, 2013 and as part of the budget process, this is a public hearing to seek public input prior to formal adoption.

The Board extensively reviewed the proposed budget during public meetings on July 19 and August 16, 2013 and the City also held two public forums for citizen input.

There are a few changes to the proposed budget as discussed with the Board as shown on the reconciliation previously provided to the Board.

The proposed budget maintains the extraordinary level and proficiency of service that has been expected by our residents and traditionally provided by the City. The Board of Aldermen has studied this proposed budget and the public has had opportunities for input.

Recommendation is to approve second reading of an ordinance adopting the Fiscal Year 2014 Operating and Capital Improvements Budget as outlined on the reconciliation attached to the ordinance.

Mayor Sanger closed the public hearing.

Alderman Harris introduced Bill No. 6408, an ordinance to approve the FY2014 Operating and Capital Improvement Budget to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6408, an ordinance adopting an Annual Budget for the Fiscal Year 2014 Commencing on October 1, 2013 and Appropriating Funds Pursuant Thereto for the second time by title only; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6287 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A RIGHT-OF-WAY DEDICATION FOR STREETSCAPE IMPROVEMENTS TO THE 8801 MARYLAND PROPERTY

City Manager Owens reported that the Public Works Department has received a request from Kowelman Engineering, Inc. on behalf of the Desco Group to provide a Right-of-Way Dedication for the purpose of installing Clayton Standard Streetscape. The Colonial Marketplace site the City has made modification from the standard streetscape to help keep the “rhythm” that has been established on trees and lighting, but the City will still maintain the standard pedestrian access that the rest of downtown Clayton enjoys.

Recommendation is to approve the ordinance approving the right-of-way dedication for streetscape improvements at 8801 Maryland Avenue as part of the Colonial Marketplace Project.

Alderman Harris introduced Bill No. 6411, an ordinance to consider approving a right-of-way dedication for streetscape improvements at 8801 Maryland Avenue for the first time by title only. Alderman Maddox-Dallas seconded.

In response to Mayor Sanger’s question, City Manager Owens explained that the “Welcome to Clayton” sign will be on the opposite side as you enter into the City. The area in question is the sidewalk portion, lights and trees that are on Clayton’s public property. There will be an entryway or monument sign to be constructed by Ladue in order to fill in the gap between the signs. The approval of the right-of-way dedication will transition the area beginning from the sidewalk and flow into Clayton’s streetscape standard. This will continue to allow off-street pedestrian access with a tree lawn. There is currently space for that use and Ladue has already made provisions to install them.

In response to Alderman Boulton’s question, City Manager Owens explained that the right-of-way dedication will give the City property which is owned by Ladue and there will be sidewalks.

City Attorney O’Keefe reads Bill No. 6411, an Ordinance Approving a Right-Of-Way Dedication for Streetscape Improvements to the 8801 Maryland Property for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6411, an ordinance to consider approving a right-of-way dedication for streetscape improvements at 8801 Maryland Avenue for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6411 for a second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye;

Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6288 of the City of Clayton.

Other

Alderman Harris commended the staff on a job well done with regard to the Art Fair. The event was great and that she also participated as a judge for the food and had a lot of fun. She also commended the staff on a job well done with the *Surls* Installation events and commented that this was all possible on behalf of the fundraising by the Clayton Century Foundation.

Aldermen Maddox-Dallas and Garnholz agreed with Alderman Harris stating that the Art Fair was a very nice event.

Alderman Winings extended his thanks and congratulations to the staff on a job well done on the budget process.

Alderman Boulton agreed with the previous comments and added that the Dog Park is a great design and wonderful facility.

Alderman Berger agreed with the previous comments and added that the City is lucky to have the Art Fair that has become nationally recognized.

Mayor Sanger commented that the Art Fair and the Fire Department stair climb were very exciting events that received national recognition.

City Manager Owens thanked Patty DeForrest and Janet LeMay for their hard work in the planning the *Surls* Installation event.

Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Winings seconded the motion.

Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye.

There being no further business the meeting was adjourned at 8:04 p.m.

Mayor

ATTEST:

City Clerk